

The Power of Our Collective Efforts

"Alone we can do so little; together we can do so much." – Helen Keller

At the March MASE Board of Directors meeting, I found myself in awe of the great team of leaders around the table and the outstanding work happening across our organization. I think it is important for our membership to know and celebrate the progress we have made toward our strategic plan, as well as learn more about how they can help us collectively move the work forward (see checklist items below).

Membership

Strengthen our membership base through targeted campaigns and member engagement strategies

The membership committee just released a new digital [membership tool](#)! This resource will be shared with higher education institutions and neighboring states to recruit both new student and out of state MASE members.

- ☐ Help us spread the word by sharing the [membership tool](#) with any special education administrators, director interns, or out of state colleagues who are not currently members of MASE.



Professional Development

Provide high-quality professional learning driven by the needs of our members

The professional development committee coordinated another successful MASA/MASE spring conference this month with healthy MASE representation.

In addition, a MASE New Leaders session was held prior to the conference for participating members. Plans for a new Aspiring New Leaders Academy are underway for the fall of 2022.



Jamie Nord
Executive Director
St. Croix River Education
District
2021-23 MASE President

- ☐ Mark your calendars for the MASE Best

Collective Efforts continued on page 7.

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Special thanks to our 2021-22 MASE Business Partners!

The MASE Business Partnership program strengthens the ties between MASE members and their collaborative partners in the public, private and non-profit sectors. Our goal is to advance the field of special education and improve student outcomes with an emphasis on proven, evidence-based practices.

Platinum Business Partner Membership

Creatively Focused, LLC.
DotCom Therapy
eLuma Online Therapy
Family Achievement Center, Inc. (Related Service Provider)
Goalbook
Grand Canyon Education
Kennedy & Graven, Chartered
Kraus-Anderson
Move This World
Sourcewell
SpEd Forms
Strategic Staffing Solutions
TeleTeachers, Inc
Transition Assessments and Curriculum

Gold Business Partner Membership

Ratwik, Roszak & Maloney, P.A.
Rupp, Anderson, Squires & Wald

Silver Business Partner Membership

Baker Tilly US, LLP
CAREI
Infinitec UCP-Seguin
Integrative Therapy, LLC
Invision Services, Inc.
Pemberton Law, PLLP
STAR Autism Support, INC
University of St. Thomas Department of Special Education

It's spring, or what passes for spring in Minnesota, and it's time for a fresh start and to seriously prepare for the 2022-23 school year. You are likely asking: "What's up with this guy? We haven't made it through this current mess of a year." Apologies, but I am confident that my friends on the Finance Bootcamp Team would tell you that you should be finalizing the budget for next year. At a minimum, there should be conversations about any anticipated shortfalls or significant additions. If you are considering a building project for next year, reach out to members who have recently gone through such a project. Speaking of which, it was a pleasure to join in the grand opening of the SCRED Vision Program's new facility in Pine City. The event at the end of February celebrated multiple school districts coming together to support their students with disabilities. I am not quite sure why I have so enjoyed attending those events. It may be walking through the physical representation of a



SCRED's ribbon cutting event for their Vision Program site in Pine City

community's commitment to their students with disabilities, or it may be just seeing the relief on the special education director's face that they pulled it off.

I hope you were able to attend the recent MASA/ MASE conference. The keynote speakers presented from an equity framework and were remarkable. Celebrating the various award winners from the two organizations was invigorating. I was also pleased to see a growing number of MASE members in attendance. The board met before the conference, and you should have received an update of the board meeting from your area director. The committee updates reminded me that MASE is always looking for individuals who are willing to contribute their time and energy

via participation in various committees. You are always welcome, and your efforts are appreciated.

I would be remiss if I did not encourage you to think about how you might formally celebrate with your staff both the challenges and accomplishments of the past year. As I have noted in previous newsletter messages, make sure that you take the time to attend your high school graduations. I have found nothing more rewarding and validating than seeing a student who has overcome significant challenges walking across the stage with their diploma in hand. How about the looks of pure joy and happiness on the part of their parents and in some cases the looks of utter disbelief (or maybe relief) on the faces of your staff who have carried that student for twelve years? You being there, in person, validates the work of both the parents and your staff members. Of course, it doesn't hurt for you to take a moment of personal satisfaction for the work you put in on behalf of those graduating students and their families.

OK, time for a soapbox message...Earlier this year, I had an opportunity to visit with a director who was struggling with their district(s). After listening to the director, I was struck by a pattern of practice that I had incorrectly taken for granted was in everyone's toolbox: engagement. I determined that contributing to their challenges was a lack of engagement, especially with their principals. As many of you know, I come from a director in a single district background. I recognize that distance and travel time were not concerns, unlike



John Klaber
MASE Executive Director

Executive View continued on page 4.

MASE IMPACT

Spring 2022

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John Klaber

Executive View from page 3.

many of my friends working in cooperatives.

While I made sure I was connected to the other members of the central office administration, I made an even greater effort to connect with the principals. I never regretted the time spent engaging with a principal, even if there was no agenda, issue, or immediate problem to solve. The time was an opportunity to update them on what I was aware was going on in their school. I shared what I was considering for the district moving forward and asked for their input. I sought their perspective on how services were going in their building. Were there other challenges that might spill over into special education, and how might I help (ADSIS/reading curriculum changes). Equally important was that I could serve as a support for a person in a very challenging position.

Returning to my comparison of a single district to a cooperative. From what I understand, many of you have entrusted your assistant directors and coordinators to the principal engagement process. There are obvious challenges in getting to locales some distance from your office. However, I believe that you should not limit your engagement to formal training and crisis intervention and the very necessary engagement with your superintendents. Keep in mind that while your AD or coordinator may be brilliant, there is a power discrepancy between a principal and a coordinator or AD. You, by contrast, can communicate as more of an equal (maybe more than an equal) with the principal. Having established a positive working relationship with the principal, you will already be a team based on a solid positive relationship when challenges arise.

So, that's all I've got for now. The MASE Best Practices Conference is just around the corner, and for the first time, we will have a vendor fair. Remember that it's great to be a member of MASE and CASE! ●

Erin Toninato Selected as MASE Executive Director

The MASE Board of Directors has selected Erin Toninato to succeed John Klaber as the next MASE Executive Director, starting July 1, 2022. Toninato brings a wealth of experience to this role, including her work as a special education administrator, teacher, and paraprofessional. She currently serves as the Director of Special Education for the South Central Service Cooperative. Toninato's work continually reflects her commitment to students with disabilities, and her leadership enables her to create systems that support high standards and positive outcomes for all students.

"I am truly humbled, honored, and excited to be selected as the new Executive Director. MASE leaders do exceptional work on behalf of students with disabilities in Minnesota, and I am committed to supporting that work. This organization has been, and continues to be, a key contributor to my professional growth and success," said Erin Toninato. "I look forward to building and enhancing what is already a solid foundation through collaboration and organizational growth. I could not be prouder to work among such an exceptional group of special education leaders and am thankful for the opportunity to serve the members in this capacity."

An active MASE member, Toninato has served on the MASE Board of Directors for multiple years as an Area Representative and Secretary. She has actively participated in numerous MASE committees including legislative, membership, business partners, and nominations. She has also served on the Governor's Blind/ Visually Impaired Advisory Commission and Deaf/Hard

of Hearing Advisory Board.

Toninato established the MASE Mindful Minute and continues to co-support MASE members through weekly mindfulness prompts. She has also shared her knowledge and expertise by presenting to the MASE New

Leader's Cohort and her colleagues on Slice of Collaboration.

Toninato's exceptional leadership was recognized when she was named the 2018 MASE Special Education Administrator of the Year.

MASE is excited to welcome Erin Toninato to this important role serving the MASE mission of building strong leaders who work on behalf of students with disabilities, and the association is grateful for her willingness to lead. ●



Erin Toninato
Director of Special Education
South Central Service
Cooperative



2022 CASE Annual Fall Conference

November 10-12, 2022
Salt Lake City, UT
www.casecec.org

MASE Best Practices Conference Registration Open!

May 11-13 • Madden's Conference Center, Brainerd

Don't miss this great opportunity to experience MASE's annual Best Practices Conference for special education administrators. Our presenters--our own colleagues--will explore the latest approaches to improving academic, behavioral, social, and program outcomes for exceptional students.



[Register HERE!](#) Register on or before Tuesday, May 3 for a reduced rate.

Are you retiring? We would like to celebrate with you. [Please complete this form](#) if you would like to be recognized at the opening dinner session on Wednesday evening.

Conference Call for Presentations

Don't miss this great opportunity to experience MASE's annual Best Practices Conference for special education administrators. Our presenters--our own colleagues--will explore the latest approaches to improving academic, behavioral, social, and program outcomes for exceptional students.



Sessions are 75 minutes long and take place on Thursday, May 12 or Friday, May 13.

[Please click here](#) to submit your presentation proposal. Proposals are due on or before Tuesday, April 19, 2022.

Exhibitor Registration

You are invited to meet with Minnesota's school district special education leadership at the MASE Best Practices Conference. Our exhibitors make a significant contribution to the quality of the event—with your help, we are able to enhance our professional development opportunities. At this year's conference, we expect over 150 special education leaders from school districts throughout Minnesota. We invite you to attend the conference sessions.

Full information and registration for exhibitors can be found online at:

www.mnase.org/best-practices-exhibitors

Practices Conference May 11th-13th at Madden's Resort. Consider submitting a proposal to present when you receive the request for proposals!

- ☐ Register for the upcoming [Slice of Collaboration](#) events, every 2nd and 4th Tuesday of the month at 12pm. Consider sharing your knowledge, experience, and/or resources, with your colleagues at a future Slice. Contact [Sarah Mittelstadt](#) if interested.



Legislative

Develop the capacity of our membership to advance our legislative priorities through support of intentional advocacy efforts at the state and federal levels

The MASE Board approved our 2022 [legislative platform](#) at its December 3rd, 2021 Board meeting. The joint MASA/MASE Federal Advocacy trip was held this year in a virtual format the last week of February and the legislative committee hosted another successful virtual MASE Week at the Capitol February 28th - March 3rd.

- ☐ Establish yourself as a resource with your legislators and tell your story. [Tips can be found here!](#)
- ☐ Become familiar with [relevant legislation](#) and consider signing up to be a writer and fighter for specific bills of interest.
- ☐ Join us for the MASE Legislative Session Virtual Calls. [Click here](#) for dates and to RSVP!



Nominating

Promote continued excellence in our field through recognition and opportunities for leadership roles

within our organization

The nominating committee facilitated the nominations process and selected three outstanding spring award recipients. Candidates have been slated for the open President-Elect and Secretary positions. In addition, bylaw changes were proposed and acted on in December regarding term length and limits for some leadership roles within the organization.

- ☐ Congratulate your colleagues - Dena Hagen, Cheryl Hall, and Barbara Jo Stahl - on their awards!
- ☐ Read about our officer candidates in this newsletter and cast your ballot for open officer positions this spring.



Strategic Planning

Engage in continuous improvement cycles to ensure we are making progress toward our mission as an organization

The MASE Board has implemented an intentional process to review progress toward our strategic plan at each board meeting. At our June retreat, we will discuss our next steps as we look ahead to the 2022-23 school year. As part of this conversation, we will be reviewing our plan through an equity lens.

- ☐ [Register](#) and attend the April 12th Slice of Collaboration to learn strategies for diversifying our workforce and for information on an opportunity to join an newly formed MASE equity taskforce.
- ☐ Consider joining a MASE committee when the sign-up comes out this spring. It is a great way to get more involved, gain new skills, and expand your network of colleagues!

As I write this, the Legislature is closing in on its deadline to construct its major budget and policy bills, and this year the process has been a bit more complicated than usual. First off, it is not a budget year as the budget for the current biennium was set in 2021. That said, the state is currently swimming in money with a forecasted budget surplus of more than \$9 billion. A portion of the projected surplus is tangible cash-on-hand that could be used—and will be used to pay obligations to the Federal government for contributions to Minnesota’s unemployment insurance fund during the pandemic—for one-time expenditures to bolster a wide variety of state programs or one-time tax relief.

On the top of the list of priorities for the education community during the 2022 session has been using a portion of both the one-time money and the ongoing projected budget surplus to reduce the special education cross-subsidy. Currently, districts throughout Minnesota are cumulatively using approximately \$800 million of the general fund money to pay for special education costs districts incur that are not covered by the state’s special education funding formula. This has required many districts to go to the voters to pass operating levies in order to meet those obligations. HF 2657 (Wolgamott)/SF 4124 (Dziedzic) would eliminate the special education cross-subsidy.

The bill has a considerable price tag of \$785 million for the current fiscal year and a \$1.7 billion projected cost for the next biennium. The projected cost may be too high for the issue to be fully addressed this session, but there may be enough interest for an investment in reducing the cross-subsidy and curbing future growth.

The complication this year—as I pointed out earlier—is that this is not a formal budget year, and there is reluctance on the part of a number of legislators to spend significant amounts of money in a year that is traditionally reserved for policy discussions and the development of a public



Brad Lundell
MASE Lobbyist

works bill. The Governor is proposing massive investments in education totaling over \$750 million over the next three years in a variety of programs. The House has picked up on the Governor’s approach—if not the details of his proposed budget—and is following a path similar to that of a budget year. It appears that omnibus bills in a number of budget areas will be put together along with omnibus policy bills. It is unclear at this point how the Senate will be moving forward. The Senate Education Finance and Policy Committee has heard a number of bills—many concentrating on promoting early literacy, most notably through the LETRS professional development program—and I fully expect that funding provisions related to education will emerge. Whether that is in an individual bill or as part of a larger bill containing many budget areas remains to be seen. The deadline for omnibus funding bills to be out of committee is Friday, April 8, and we should have a better idea then both of how the process will unfold for the remainder of the 2022 legislative session and the differences in content between the House and Senate bills.

It has been a busy year for special education

Legislative continued on page 9.



Business Partnership

Enhance our recruitment and retention of business partners who financially support our mission

The business partnership committee has been busy preparing tools to help our members understand our business partnership program and make connections with potential business partners.

- ☐ [Register](#) and attend the May 24th Slice of Collaboration to learn more about the role you can play in recruiting and sustaining our business partners.



Area-Specific

Establish and implement MASE Area-specific goals aligned to one or more of the Vision Statements

Even with all the challenges this year, the MASE Areas are still making progress toward their annual goals. It was so energizing to hear all about what is happening at the local level in terms of collegial support and collective efforts!

If you are unsure of your area's goals, [click here](#) for a complete listing (page 2).

Consider reaching out to your [MASE Area Representative](#) if you have ideas or are willing to step up to help your area reach its goal(s).



New! Communications

Design a comprehensive communication plan including strategies for both internal and external communication

The MASE Board activated an ad-hoc communication committee as permitted under our bylaws in December. This committee has been formed and will start its efforts by gathering input from our members on current communication

strategies and opportunities for enhanced communication.

I continue to be humbled by and grateful for the opportunity to serve as your MASE President. We are collectively doing great things to live out our mission of building strong leaders who work on behalf of students with disabilities every day! ●

Legislative from page 8.

discussions. In addition to the discussion of the cross-subsidy, a number of special education-related policy bills have been considered. Representative Heather Edelson has two bills of particular interest, one—HF 3963—which would create a new special education funding category for special education students whose costs exceed three times the state average, and another—HF 4233—that would require districts to provide additional prep time for special education teachers to complete paperwork responsibilities.

MASE has weighed in and will continue to weigh in on these proposals as the session continues.

I hope MASE members have been able to join our bi-weekly legislative updates every other Wednesday.

I can provide greater details on issues of concern and go into greater depth on questions members might have at those sessions. Hope to see many of you there.

In closing, never hesitate to contact me with questions, comments, or concerns. I can be reached at 612-220-7459 or lundelllegislative31@gmail.com. ●

Congratulations to our 2022 MASE Award Recipients!

Each year, MASE provides an opportunity to recognize outstanding members and colleagues who are dedicated leaders and advocates for children and Minnesota education. We are pleased to announce this year's recipients.

Special Education Administrator of the Year Award

presented at the MASE/MASA Spring Conference

The MASE Special Education Administrator of the Year Award recognizes a MASE member for excellence in special education leadership. The recipient must be a practicing administrator and a member of MASE with a minimum of 5 years administrative experience, and must have demonstrated a concern for students/families with disabilities as well as active involvement in professional and community affairs.

2022 MASE Special Education Administrator of the Year Award Recipient
Cheryl Hall, Director of Special Services, Northfield Public Schools

MASE Distinguished Service Award

presented at the MASE/MASA Spring Conference

MASE has periodically selected recipients to receive the MASE Distinguished Service Award. The award is not necessarily given on a yearly basis, but is presented when a recipient of particular merit is identified.

The recipient must have a positive history and association with Minnesota public education, having contributed to and participated in activities that improve Minnesota's public education system on a statewide basis. This award recipient must have a reputation as a person who willingly "goes the extra mile."

2022 MASE Distinguished Service Award Recipient
Barbara Jo Stahl, Marketing, Advising, and Work and Learn Coordinator
Department of Special Education, University of St. Thomas School of Education

MASE Legacy Award

presented at the MASE Fall Leadership Conference

An important focus of the work of MASE is the support of emerging educational leaders. The MASE Legacy Award recognizes a member for their commitment to encouraging, developing, and mentoring leaders who reflect MASE's mission. This award's recipient will have contributed to the professional growth and development of others and have a service history as a long-standing, contributing MASE member through training, mentoring, personal support, and modeling, resulting in an impact at the local, regional, and state levels that is considerable and measurable over time.

2022 MASE Legacy Award Recipient
Renae Ouillette, Executive Director of Student Services, Lakeville Area Public Schools

2021 MASE New Special Education Leader Award

presented at the MASE/MASA Spring Conference

This award is given annually to a new leader who exhibits the leadership excellence required to be effective in challenging times. These skills include: a willingness to risk, an ability to collaborate, skills in listening and communicating, and a broad understanding of the educational system. Further, this award is given to a new leader who has demonstrated passion and commitment to the MASE mission of shaping policies and practices which impact the quality of education for students with disabilities.

2022 MASE New Special Education Leader Award Recipient
Dena Hagen, Director of Special Education, Northern Lights Special Education Cooperative

Cheryl Hall Receives MASE Special Education Administrator of the Year Award

MASE has named Cheryl Hall, Director of Special Services of Northfield Public Schools, the 2022 Special Education Administrator of the Year. Hall has received this award for her dedication to students with disabilities and their families, and her active involvement in professional and community affairs. She was honored at a statewide recognition ceremony during the MASA/MASE Spring Conference held March 10-11, 2022.

Hall has demonstrated a commitment to developing the next generation of special education teachers and leaders. Her investment in encouraging Northfield's paraprofessionals to pursue their teaching licensure helped the district fill critical special education positions. Through Hall's encouragement and leadership, 11 Northfield paraprofessionals have completed licensure and moved into special education teaching positions. In a time when finding special education teachers is extremely challenging, this pipeline has helped Northfield Public Schools continue to provide a high-quality staff for students.

At the onset of the COVID-19 pandemic, Northfield Public Schools started the process to select a COVID-19 Coordinator. Hall stepped into the role and she tirelessly worked with the district's incident command team, administrators, families, and the school board to develop a strong safe learning plan that allowed Northfield to navigate the first full school year of the pandemic. Continuing as the COVID-19 Coordinator through the entire pandemic, Hall's leadership has allowed Northfield to continue following the science to

keep their community safe while working to prioritize uninterrupted in-person learning.

Due to Hall's efforts, Northfield Public Schools has become a leader in offering COVID-19 testing, serving as a pilot for school-based testing for the Minnesota Department of Health in December 2020. The district set up a drive-through COVID-19 testing clinic that has completed over 1,200 rapid molecular tests since November 1, 2021. Northfield Public Schools has amassed an inventory of 10,000 rapid antigen test kits and has one of Minnesota's first Test to Stay programs. This program allows unvaccinated students identified as close contacts to remain in school by agreeing to be tested multiple times during what would have normally been their quarantine period. These testing programs have helped Northfield Public Schools continue to prioritize uninterrupted in-person learning for all students.

As an active member of MASE, Hall has served as the 2019-20 MASE President. She has chaired and been a member of a number of committees including the Strategic Planning, Legislative, Business Partnership, Professional Development, Nominating, and Membership.

Read Cheryl's full news release online at:
www.mnase.org/administrator-of-the-year-hall



Cheryl Hall
Director of Special Services
Northfield Public Schools

Barbara Jo Stahl Receives MASE Distinguished Service Award

MASE has named Barbara Jo Stahl, Marketing, Advertising and Work and Learn Coordinator at the University of St. Thomas, the recipient of the 2022 Distinguished Service Award. Stahl was honored for her positive history and association with Minnesota public education, contribution to improving Minnesota's public education, and reputation as a person who willingly "goes the extra mile" at a statewide recognition ceremony during the MASA/MASE Spring Conference held on March 10-11, 2022.

"It is with great enthusiasm that I support Barbara Jo Stahl for the MASE Distinguished Service Award for her commitment to encouraging, developing, and mentoring special education leaders and emerging teachers who reflect the MASE mission," wrote Dr. Laura Pingry-Kile, Director of Specialized Services of Eastern Carver County Schools, in her letter of support. "I have personally known Barbara for more than 20 years and I am proud to have her as a colleague and friend. We have worked together closely in several professional capacities and I've consistently been impressed by her commitment and capacity to build strong leaders who work on behalf of students with disabilities."

In her role with the University of St. Thomas, Stahl works with special education directors and Regional Low Incidence Facilitators to assess and examine teacher shortages to find pathways for individuals to obtain their teaching licenses. These opportunities have been offered in various regions throughout Minnesota with the goal to recruit, prepare, and retain highly

qualified paraprofessionals, and Tier 1 and Tier 2 teachers on their journey to become Tier 3 licensed teachers. Stahl is also a strong advocate for recruiting candidates from underrepresented backgrounds who reflect our diverse student populations.



Barbra Jo Stahl
Marketing, Advertising and
Work and Learn Coordinator
University of St. Thomas
Department of Special
Education

Before the University of St. Thomas, Stahl worked for 19 years at the Minnesota Department of Education (MDE). At MDE she worked to develop a statewide infrastructure of staff development and support for paraprofessionals, focused on state-wide assessment, school improvement, and staff development and training. Stahl's career has also included teaching elementary students with special needs in St. Paul Schools and working as Assistant Director of Special Education at Rum River Special Education Cooperative.

Read Barbara Jo's full news release online at:
www.mnase.org/distinguished-service-award-jo-stahl

Thank you to everyone who made the 2022 MASA/MASE Spring Conference a Success!



Conference materials are available at:
www.mnasa.org/spring-conference

Dena Hagen Receives MASE New Special Education Leader Award

MASE has named Dena Hagen, Director of Special Education of the Northern Lights Special Education Cooperative, the recipient of the 2022 New Special Education Leader Award. Hagen received this award for her commitment to students with disabilities and their families and her active involvement in professional and community affairs. She was honored at a statewide recognition ceremony during the MASA/MASE Spring Conference held March 10-11, 2022.

"I have had the opportunity to work with Dena through the Low Incidence Project and the MASE Board of Directors. Dena is absolutely deserving of this award as she demonstrates a high level of professionalism, willingness to help others, and leadership," wrote Erin Toninato, Special Education Director of the South Central Service Cooperative in her nomination letter. "She is an exceptional addition to every organization and is always thoughtful in her service to students."

Hagen has served as the Director of Special Education of the Northern Lights Special Education Cooperative since 2016. She previously was the Assistant Director of Special Education for Duluth Public Schools. Hagen was the Region 3 Low Incidence Facilitator and an Independent Study Instructor in the Special Education Certification Program at Saint Mary's University of Minnesota. She began her career in special education as a teacher with Duluth Public Schools.

The challenge of being a special education director for thirteen districts is profound. In

her role, Hagen has had to balance the needs of very different and distinct districts. She has been highly successful in supporting the cooperative's districts through the vast and complex special education cooperative process. Hagen is a results-driven leader who is supportive of district teams. She is always assessing the needs of the cooperative and makes decisions that are both fiscally responsible for member districts and positive for students within their special education programs.

Hagen has been instrumental in the establishment of a K-8 setting Level IV program for districts in the Northern Lights Special Education Cooperative. This was a much-needed program as students who needed more support did not have a Level IV program within the entire cooperative. Hagen also led the 12-member school districts through the process of developing a Joint Powers Agreement to create the cooperative school district.

Hagen is an active member of MASE. She currently serves as the Secretary on the MASE Board of Directors and previously was the Area B Representative. Hagen has been a member of the MASE Nominating Committee and also is a graduate of the MASE New Leaders Cohort.

Read Dena's full news release online at:

www.mnase.org/new-special-education-leader-hagen



Dena Hagen
Director of Special Education
Northern Lights Special
Education Cooperative

President-Elect Candidates

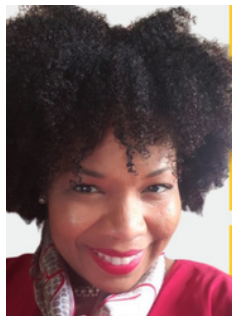
Melissa Hanson

Executive Director
Meeker & Wright Special
Education Cooperative
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Dr. Alecia Mobley

Director of Special Education
Richfield Public Schools
alecia.mobley@rpsmn.org



Secretary Candidates

Michelle Cuka

Supervisor of Specialized
Education Services
Eastern Carver County
Schools
cukam@isd112.org



Kori Ryan

Director of Special Education
Indigo Education
kryan@indigoed.org

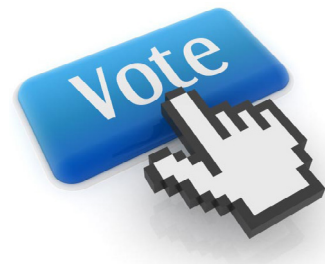


Check out all the candidate profiles and statements on the MASE website at:

www.mnase.org/2022-candidates

2022 Voting is Now Open!

Electronic voting is currently open to all to **MASE voting members**. The ballots will close Monday, April 11 at 4 pm. Please refer to the email with the electronic ballots that was sent on March 18, 2022 from lori.zimmerman@mnasa.org.



If you are unsure of your voting status go to www.mnase.org/2022-candidates, and click on MASE Voting list on the page.

New Mailing Address!

In case you missed it! As of March 31 MASE's new mailing address is:
PO Box 9400
North St Paul, MN 55109



CEC/CASE Special Education Legislative Summit (SELS)

July 10-13, 2022
Save the Date!
Washington, DC

CEC Convention

March 1-3, 2023
Save the Date!
Louisville, KY

Transition

Assessments & Curriculum



Heidi Johnson

Proud to be a MASE Business Partner



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Looking for Myself...

As I've told friends and colleagues, I never could see myself "retired." Retired, me? I loved my job. I loved the challenges. I loved the people with whom I worked. And I loved problem-solving to help improve outcomes for students, staff, and families. But, then, wham – I got catapulted off my white horse. I finally understood what people meant by "I'm ready to retire." I have since heard similar experiences from friends. I realized I needed to look within myself to find what was next.

I'm hoping that others who are considering retirement but are hesitant to do so because they aren't sure if they can handle the change or are concerned about finances will take a bit to look at possibilities. Here's an essential consideration for people who are wondering if they can retire from their current administrative position but are unsure if they will be able to keep relevant or involved - all the work that special education administrators have done over the years has actually prepared them for many different roles in this next stage of life. Just think about it. We have nerves of steel, can multi-task like a pro, can break through all the noise around an issue, and can work with a **very** wide range of different types of people!

In addition, fortunately for most of us, neuroscientists report that our brains don't wear out with age and that for those who are healthy and exercise, our brains adapt as we age. That's critical since most of us want to continue to be involved and to take advantage of new opportunities. I like to think of it as redesigning my life!

For me, a quote from Emily Dickinson captures how we can think of the opportunities that are in front of us as we move into retirement:

"I am out with lanterns, looking for myself."



Jill Skarvold
Retiree Representative
MASE Board of Directors

I truly hope more people take the time to go out with lanterns. There's so much to see when we shine a light. ●

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Location of Services vs. Educational Placement – The Evolving Law

“Change is the law of life.”

- John Fitzgerald Kennedy.

Today, educational systems are faced with enormous changes - from those forced upon schools by the COVID-19 pandemic to those required to serve an ever-increasing array of students' needs. Many school districts are finding it difficult to hire, develop and retain employees let alone find the caring, committed professionals necessary to provide an appropriate education for students with special needs. Those staffing shortages and other changes following the pandemic, may lead to school districts deciding to combine programs, change offerings or reassess particular services. One consideration may be whether changing the location of a student's special education program will change her special education placement. While it is well-known that the Individualized Education Program (IEP) team must determine a student's *education placement*, school district lawyers have long argued that schools may select the *location of a student's educational services*. The authority for this assertion has been 1994 guidance from the Office of Special Education Programs and few hearing officers or courts have addressed the issue since that early letter.¹ In a recent case in North Dakota, the hearing officer relied on that guidance and adopted the rule that a school district chooses the location of services where the student's educational programming would remain essentially similar. In this article, we identify the legal requirements at issue and then review the recent cases as illustrative of this rule.

The Law: FAPE & LRE

FAPE. As readers know, the Individuals with Disabilities Education Act (IDEA) requires that school districts provide a free, appropriate public education (FAPE) to qualifying students with disabilities.² The educational program must be reasonably calculated to enable the student to make progress in light of her unique circumstances.³ The provision of a FAPE requires services in the least restrictive environment (LRE).

LRE. IDEA requires that school districts ensure that students with disabilities are educated with their non-disabled peers to the maximum extent appropriate and that special classes, separate schooling or other removal of children with disabilities only occur when the nature or severity of the disability is such that the student cannot be provided a FAPE in the general education classroom.⁴ This concept is known as the “least restrictive environment” (LRE). The continuum of educational placements includes “education in regular classes, special classes, separate schooling, home instruction, and instruction



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Legal Notes continued on page 18.

in hospitals and institutions.”⁵ The location of that program however is something different. The student’s special education program must be located either in the school that she would attend if she did not have disabilities or at another school as close as possible to her home, that is consistent with the student’s IEP and the option on the continuum of special education services selected by the IEP team.⁶ In other words, if the location cannot be the student’s neighborhood school, as long as the school can provide the program in the same option on the continuum of services, the LRE is satisfied. The school district meets its obligation when it affords a FAPE to the student in the least restrictive environment.⁷

Location of Services vs. Change in Placement. In situations where a student’s current school or program is no longer available or for some other reason requires change, the IDEA’s stay put requirement is satisfied through a placement in a program that is materially and substantially similar to the former program.⁸

*In Letter to Fisher*⁹, the Office of Special Education Programs (OSEP) was asked for guidance regarding whether “a change in physical location, from one school to another constitutes a ‘change in placement’ as contemplated by the IDEA when the educational program stated in the IEP remains the same.”¹⁰ The inquiry arose out of the closure of a school district’s learning center, where secondary students with various disabilities were predominantly served in self-contained classrooms.¹¹ The closure of the learning center resulted in the need to make determinations as to where each student who attended the learning center should be assigned to receive services.¹² OSEP provided in its response that the IDEA’s notice requirements must be met if

a change in educational placement *occurs*.¹³ OSEP provided the following guidance as to what constitutes a “change in educational placement.” In determining whether a “change in educational placement” has occurred, the public agency responsible for educating the child must determine whether the proposed change would substantially or materially alter the child’s educational program. In making such a determination, the effect of the change in location on the following factors must be examined:

- whether the educational program set out in the child’s IEP has been revised;
- whether the child will be able to be educated with nondisabled children to the same extent;
- whether the child will have the same opportunities to participate in nonacademic and extracurricular services; and
- whether the new placement option is the same option on the continuum of alternative placements.¹⁴

OSEP noted that “[i]n certain instances, the question of whether a change in educational placement has occurred is easily answered.” For example, if a student who was previously placed in a self-contained class at a learning center were to be moved to a regular class with supplementary aids and services, that proposed action would qualify as a change in educational placement. However, “[i]f the District determines, based on the student’s individual needs, that the student should have the same educational program and opportunities for interaction with his or her nondisabled peers as he or she had during the placement at the [learning center], the change in location alone would not constitute a change in educational placement.” OSEP goes

on to explain that this is because under these circumstances, the change in location alone would not substantially or materially alter the child's educational program.¹⁵

Similarly, in *J.R. and K.R. v. Mars Area Sch. Dist.*, the Third Circuit Court of Appeals reasoned that what constitutes a change in educational placement is necessarily fact specific.¹⁶ In that case, a student with a specific learning disability had received his special education services in a resource room.¹⁷ The school district changed its model of service and advised parents that it would provide the precise special education services in the regular classroom. The student received his specific special education instruction by a special education teacher, but it was now provided in his general education classroom. The Court held that no change in placement occurred because there was no evidence that the move to an inclusion classroom was likely to affect the student's learning in any "significant way."¹⁸ We next examine those factors in a recent case in our sister state of North Dakota, a state within our 8th Circuit Court of Appeals.

In Re: C.B. In this case, the Student had average intellectual ability coupled with behaviors stemming from diagnoses of ADHD, Post-Traumatic Stress Disorder (PTSD) and Autism. There was no dispute that the Student required a special education placement where C.B. spent the majority of the school day in special education classrooms.¹⁹ There was no dispute that the IEP was reasonably calculated to provide C.B. with educational benefit in light of the Student's unique circumstances.²⁰ The sole disagreement between the School District and the parents was whether the IEP could be implemented in a particular location.²¹

C.B. had attended an Autism Program housed at Madison Elementary School. When the School District was unable to hire a qualified and licensed teacher to staff the Autism classroom, it proposed to the parents that C.B. be educated at another school in the District, Eagles Elementary.²² The parents disagreed and despite numerous discussions and engagement in alternative dispute resolution methods,²³ the parties did not agree on a location for the Student's services. The parents did not bring the Student to school for the first five months of the school year. As a result, the School District requested a due process hearing to establish that while the special education program would remain essentially the same, the location of the services would change because of the lack of staff at the former school.²⁴ At hearing, the School District's witnesses established that the major components of the Student's IEP could be implemented at Eagles Elementary School with fidelity.

The Factors. Both School District experts and independent expert witnesses testified that the same types of supports were available at each school, that the environment of each classroom was designed to support students with disabilities, that the teacher/student ratios were similar and that the strategies that the Student had been successful with at Madison Elementary could be implemented at Eagles Elementary.²⁵ The Student would have the same amount of access to typical peers including the same access to extracurricular activities with peers. C.B. would continue in the same federal setting as in the prior school.

The Parents and their expert witnesses testified to the contrary arguing that enrolling the Student at Eagles Elementary was a change in placement and that the program was not the

LRE. They asserted that the Student's PTSD and Autism combined to make transitions to a new program very difficult. They argued that the Student would lose the peer group he enjoyed at Madison Elementary.²⁵

The Administrative Law Judge (ALJ) found for the School District. She opined that the Student had been out of school for almost a year and had transitioned well to a private tutoring program during that time. The ALJ noted that returning to school in-person would be a transition regardless of which building housed the Student's educational program.²⁶ The ALJ found that the School District had thoughtfully planned a transition for the Student to return to school as well as to begin at a new school location. The District staff testified that they used many of the same strategies and methods at Eagles Elementary and had similar calming spaces as well as well-trained staff who were familiar with the needs of children with similar disabilities.²⁷ The ALJ concluded that while the Parents' experts thought the new school would be detrimental to the Student, those experts were not familiar with the programming at Eagles Elementary and could not identify any aspect of the IEP that could not be implemented at the new school. Parents' experts also argued that the Eagles' program was called an Emotional Disability program and therefore, the Student may be exposed to the dysregulated behavior of other students. This argument as well was unconvincing to the ALJ. She found that the Student also had sometimes aggressive and explosive behaviors and the staff at Eagles were well trained to manage those behaviors.

Take-Away: The School District chooses the location of a Student's educational program as long as the program is substantially the same in each location *and* after consideration of the location that the student would attend if

she did not have special needs. **Educational placement** – that is, the amount of special education services, the time in general education environment and access to the general education curriculum, is a decision that the IEP team must make on an individual basis for each student. The **location of those services** is the district's prerogative, and the decision may include considerations of how the school district can best meet the needs of the most students given the resources that are available. ●

1. See Letter to Fisher, 21 IDELR 992 (OSEP 1994).
2. 20 U.S.C. §1400 (d)(1)(A).
3. *Andrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 1001 (2017).
4. 34 C.F.R. 300.550(b)(1)-(2).
5. 34 C.F.R. 300.551(b)(1).
6. 34 C.F.R. 300.116.
7. *I.Z.M. v. Rosemount-Apple Valley- Eagan Public Sch.*, 863 F.3d 966, 962 (8th Cir. 2017) (citing *C.J.N. v. Minneapolis Public Sch.*, 323 F.3d 630,642 (8th Cir. 2003), cert. denied, 540 U.S.984 (2003).
8. Letter to Fisher, 21 IDELR 992 (OSEP 1994)11; see also *Donna Weil, et. ux., v. Bd. of Elem. & Sec. Ed.*, 931 F.2d 1069 (5th Cir. 1991) cert. denied, 112 S. Ct. 306 (1991) holding that the transfer of a student with disabilities for reasons beyond the school board's control did not constitute a change of placement); see also *R.M. by & through S.M. v. Gilbert Unified Sch. Dist.*, 768 Fed. Appx. 720, 722 (9th Cir. 2019) (school district's proposed move from one elementary school to another where the student's "needs could best be met" constituted a change in "location" only, not a change in placement and, accordingly, did not violate the student's rights under the IDEA).
9. 21 IDELR 992 (OSEP 1994).
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. 318 F. App'x. 113, 119 (3rd Cir. 2009).
17. *Id.* at 116.
18. *Id.*
19. OAH File No. 2020396 at 16 (N.D., Mar. 5, 2021).
20. *Id.*, see *Andrew F. Douglas Cty. Sch. Distr. RE-1*, 137 S.Ct. 988,101 (2017).
21. *Id.*
22. *Id.* at 11.
23. IDEA includes several alternative dispute resolution methods including IEP meetings, facilitated meetings, mediation, filing a state complaint or a due process hearing. 20 U.S.C. Sec. 1415(2)(b)(5)-(6).
24. *Id.*w
25. *Id.*
26. *Id.* at 19.
27. *Id.*

MASE CALENDAR

2022

April 8

MDE Special Education Directors' Forum

9:30-11:30 am | Virtual

April 15

MASE Legislative Session Conference Call

12-12:30 | [Zoom](#)

April 15

Special Education Advisory Panel (SEAP)

Virtual

April 20

MASE New Leaders Cohort

Directors Only Session | Virtual

April 27

MASE Legislative Session Conference Call

12-12:30 | [Zoom](#)

May 11

MASE New Leaders Cohort

Madden's on Gull Lake, Brainerd

May 11-13

MASE Best Practices Conference

Madden's on Gull Lake, Brainerd

May 20

MDE Special Education Directors' Forum

9:30-11:30 am | Virtual

June 10

MDE Special Education Directors' Forum

9:30-11:30 am | Virtual

June 17

Special Education Advisory Panel (SEAP)

Virtual

June 23-24

MASE and MASA Board Retreats

Minneapolis Marriott NW, Brooklyn Park

June 30

CASE Annual Report Due

July 1

MASE Membership Renewal

October 26

MASE Board Meeting

Madden's on Gull Lake, Brainerd

October 26-28

MASE Fall Leadership Conference

Madden's on Gull Lake, Brainerd

November 8

CASE Executive Committee Meeting

Marriott, Salt Lake City, UT

November 9-10

CASE Board Meeting

Marriott, Salt Lake City, UT

November 10-12

CASE Fall Conference

Marriott, Salt Lake City, UT

2023

February 8-10

CASE Winter Workshop

Virtual

March 1-3

CEC Convention

Louisville, KY

March 8

MASE New Leaders Cohort

MASE Board of Directors Meeting

Minneapolis Marriott NW, Brooklyn Park

March 9-10

MASA/MASE Spring Conference

Minneapolis Marriott NW, Brooklyn Park

2022-23 MDE Meeting Dates

Directors' Forum

August 12, 2022

September 9, 2022

October 14, 2022

November 18, 2022

December 9, 2022

January – None

February 17, 2023

March 17, 2023

April 14, 2023

May 12, 2023

June 9, 2023

SEAP

September 13, 2022 – Orientation

September 23, 2022

November 4, 2022

January 20, 2023

April 21, 2023

June 16, 2023